IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

OP.No. 18242 of 1998(V)

PETITIONER:

NATIONAL HANDLOOM DEVELOPMENT CORPORATION, KN=ANDOMKULATHY TOWERS, M.G.ROAD, ERNAKULAM, COCHIN 682 011.

REP.BY IT'S CARETAKER, R.SATHEESH KUMAR

BY ADV. SRI.SUNIL JOSE

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD, REP.BY IT'S SECRETARY, VYDYUTHI BHAVAN, TRIVANDRUM.**

2. **THE ASST. EXECUTIVE ENGINEER, ELECTRICAL MAJOR SECTION COLLEGE, CLUB ROAD, ERNAKULAM.**

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN SC., KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, ALONG WITH OP NO. 18241 OF 1998 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.32217/1998 IN OP. NO.18242/1998

DISMISSED

03.08.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SANCTION ORDER NO.TI-5682/95/EIE DT. 12.2.98, ISSUED BY THE DY.CHIEF ELECTRICAL INSPECTOR , ERNAKULAM.

EXT.P2(a):- COPY OF THE APPLICATION DT. 13.3.98 AND CHALAN DT. 13.3.98.

EXT.P2(b):- COPY OF THE APPLICATION DT.13.3.98 AND CHALAN DT. 13.3.98.

E.XT.P3(a):- COPY OF THE NOTICE NO.DB/APTS/95/479. DT. 2.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10016.

E.XT.P3(b):- COPY OF THE NOTICE N.DB/APTS/95/479 DT. 2.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10030.

EXT.P3(a):- COPY OF THE DEMAND NOTICE DT. 4.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10016.

EXT.P3(b):- COPY OF THE NOTICE NO.DB/APTS/95/479. DT. 2.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10030.

EXT.P4(a):- COPY OF THE DEMAND NOTICE DT. 4.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.10016.

EXT.P4(b):- COPY OF THE DEMAND NOTICE DT. 4.3.98 ISSUED BY THE 2ND RESPONDENT FOR CONSUMER NO.1003.

.EXT.P5:- COPY OF THE REPRESENTATION DT. 12.3.98 FILED BEFORE THE 2ND RESPONDENT BY THE PETITIONER.

EXT.P6:- COPY OF THE JUDGMENT DT. 23.3.98 IN OP. NO.5500/98 BY THE PETITIONER.

EXT.P7:- COPY OF THE ORDER NO.DB/OP.5500/98/500/DT. 7.9.98 ISSUED BY THE 2ND RESPONDENT.

/TRUE COPY/

P.S. TO JUDGE

tss

T.R. Ramachandran Nair, J.

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O.P.NO.18242 of 1998-V

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Dated this the 3rd day of August, 2007

JUDGMENT

The petitioner herein is a tenant occupying the ground and first floors of a building having electric connections with Consumer Nos.10016 and 10030 and after having the respective sanctioned connected load of 7.68 KW on the ground floor and 5.100 KW on the first floor. For the purpose of the functioning of the office, the petitioner wanted to install certain additional facilities and the landlord submitted suitable application before the Deputy Chief Electrical Inspector who had sanctioned the same as per Ext.P1. Along with a completion report, application for additional load was submitted with required fee before the competent authority, which is evidenced by Exts.P2(a) and P2(b).

2. While so, on 11.2.1998 the Anti Power Theft Squad inspected the premises and issued Exts.P3(a) and P3(b) notices. Apparently the stand taken is that the petitioner had misused energy against the sanctioned load available in the premises. Subsequent notices were also issued (Exts.P4(a) and P4(b) demanding amounts to the tune of Rs.19,244/- and Rs.57,148/- respectively for the two consumer numbers in question. The petitioner

objected to the same by filing Ext.P5 and approached this court by filing O.P.No.5500/1998. By Ext.P5 judgment, this court directed the second respondent to consider the representation of the petitioner and pass appropriate orders. Accordingly, the authority has passed Ext.P7. The same is under challenge in this original petition.

3. Now, after the 2003 Act was brought into force, new regulations have come into effect. As empowered by Section 42 of the Act, now the Consumer Disputes Redressal Forums have come into existence and the disputes relating to the subject matter of the issue can also be gone int0 by them. Therefore, the issue regarding the validity of Ext.P7 and the demands raised against the petitioner is hereby directed to be placed before the above Forum for appropriate decision on the merits of the matter. Pending finalisation of the same, the interim order passed by this court on 23.9.1998 will remain in force.

The original petition is disposed of in the above terms. No costs.

(T.R. Ramachandran Nair, Judge.)

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T.R. Ramachandran Nair, J.

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O.P. No.18242/1998-V

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JUDGMENT

3rd August, 2007.